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Atty. Dkt. No. 036481-0109

RCE / 16/48 \$

Applicant: William F. SWAIN ET AL.
Title: DNA-VACCINES BASED ON CONSTRUCTS DERIVED FROM THE
GENOMES OF HUMAN AND ANIMAL PATHOGENS
Appl. No.: 09/705,149
Appl. Filing Date: 11/1/2000
Examiner: Bao Qun Li
Art Unit: 1648

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

A notice of appeal was filed in this case on May 2, 2003. Applicants respectfully request that the period for response be extended by five (5) months up to December 2, 2003. The RCE is being filed within the expanded statutory period for filing the appeal brief. Although applicants believe that the amount of the attached check is correct, the Commissioner is hereby authorized to credit any overpayment or to charge any deficiency to

Deposit Account No. 19-0741.

12/03/2003 SDENB0B1 00000070 09705149

01 FC:1801

770.00 OP

12/03/2003 SDENB0B1 00000071 09705149

01 FC:1460

130.00 OP

12/03/2003 SDENB0B1 00000070 09705149

02 FC:1255

2010.00 OP

-1-

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment/reply previously filed on ____.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.
- ☐ Other ____.

b. Enclosed are:

- ☒ Amendment/Reply.
- ☐ Affidavit(s)/Declaration(s).
- ☒ Information Disclosure Statement.
- ☒ Form SB08 with copies of 50 listed reference(s).
- ☐ Other Cited References.

Miscellaneous:

- ☒ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of 3 months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e)				\$770.00	\$770.00
Total Claims:	<u>20</u>	<input type="checkbox"/> <u>20</u>	<u>0</u>	x \$18.00 =	<u>\$0.00</u>
Independents:	<u>1</u>	<input type="checkbox"/> <u>1</u>	<u>0</u>	x \$86.00 =	<u>\$0.00</u>
First presentation of any Multiple Dependent Claims:				+ \$290.00 =	<u>\$0.00</u>
CLAIMS FEE TOTAL: =					<u>\$770.00</u>

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$950.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00		\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00		\$2,010.00
EXTENSION FEE SUBTOTAL:				\$2,010.00
EXTENSION FEE ALREADY PAID: -				\$0.00
EXTENSION FEE TOTAL				\$2,010.00
CLAIMS AND EXTENSION FEE TOTAL:				\$2,780.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input checked="" type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$130.00
TOTAL FEE:				\$2,910.00

☐ Please charge Deposit Account No. 19-0741 in the amount of \$2,910.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$2,910.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the attorney at the address indicated in the Power of Attorney submitted on October 27, 2003.

Date Dec 2, 2003

FOLEY & LARDNER
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Respectfully submitted,

Michelle M. Walters
By Reg No. 34,717

for Richard Peet
Registration No. 35,792
Michelle Walters
Registration No. 51,113
Attorneys for Applicant